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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

PEDRO MARTINEZ-CASTRO,

Defendant.

No. CR 10-00016 JF

**STIPULATION TO CONTINUE STATUS  
SENTENCING HEARING; [PROPOSED]  
ORDER**

Defendant and the government, through their respective counsel, hereby stipulate that, subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for Tuesday, February 16, 2010 at 9:00 a.m., be continued to Thursday, March 11, 2010, at 9:00 a.m. The continuance is requested to allow additional time for defense investigation, as the defense has not yet received requested records regarding the defendant's priors. Additionally, counsel for

1 both parties are involved in preparations for trial in another case set for February 23, 2010.

2 The parties further agree that time should be excluded under the Speedy Trial Act because  
3 the ends of justice served by granting the requested continuance outweigh the interest of the  
4 public and the defendant in a speedy trial. The failure to grant the requested continuance would  
5 deny defense counsel reasonable time necessary for effective preparation, taking into account the  
6 exercise of due diligence, and would result in a miscarriage of justice. The parties therefore  
7 stipulate that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and  
8 (B)(iv).

9 Dated: 2/12/10

/s/  
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LARA S. VINNARD  
Assistant Federal Public Defender

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12 Dated:

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STEVEN SEITZ  
Special Assistant United States Attorney

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**[PROPOSED] ORDER**

The parties have jointly requested a continuance of the hearing set for Tuesday, February 16, 2010, allow time for the defense to complete investigation, and for continuity of counsel.

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently set for Tuesday, February 16, 2010 at 9:00 a.m., be continued to Thursday, March 11, 2010, at 9:00 a.m.

Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded under the Speedy Trial Act from February 16, 2010 to March 11, 2010. The Court finds, based on the aforementioned reasons, that the ends of justice served by granting the requested continuance outweigh the interest of the public and the defendant in a speedy trial. The failure to grant the requested continuance would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

Dated: 3/3/10

  
JEREMY FOGEL  
United States District Judge